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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,656

Applicant(s)

TERAZAWA ET AL.

Examiner

Robert Beatty

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 166-191 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 166-170, 174, 180-184 and 189-191 is/are allowed.
- 6) ☒ Claim(s) 175-179 and 186 is/are rejected.
- 7) ☒ Claim(s) 171-173, 185, 187 and 188 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/465,674.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claim 171 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

It is believed a "toner outlet" is already claimed in independent claim 166.

2. Claims 172-173, 185 are objected to because of the following informalities:

In claims 172-173, the applicant claims the seal is between the toner outlet and nozzle however, from claim 166 and Fig. 3B, the toner outlet is part of the nozzle 11 wherein the air inlet 18 surrounds the toner outlet and discharge hole 15.

Claim 185 is the same as claim 182 (duplicate claims).

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 175-179 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP# 60-82651 in view of Oishi (JP# 08-292636).

JP '651 teach a toner container 2 containing toner T having a toner outlet 10 through which the toner will be discharged from the toner container to a developing device. The toner container has a seal 11,12 for closing and sealing the outlet. The toner container has a bottom and side walls. The toner container has a mating portion 7,9 for mating with a nozzle 22 (see Fig. 5). The toner outlet has a tubular body and the toner container tapers toward the toner outlet such that the angle of the side walls is less than 90 degrees from a vertical and specifically about 45 degrees as seen in Fig. 2, for example. The toner is drawn out of the toner outlet by gravity since it is mounted upside down. Specifically, JP '651 teach everything claimed except an air filter window in one of the walls of the toner container and the toner container having a box-like configuration (4 side walls).

Oishi teach a toner container 1 having a box-like configuration (see Fig. 2) having a toner outlet and which is upside down to allow toner to be discharged to a developing device. Upon removing a seal 7,8 from the toner outlet the toner will fall due to gravity to a developing device. A air filter window 9,19 is uncovered allowing air to flow into the toner cartridge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the toner container in JP 60-82651 to have an air window because the toner can be discharged in a smooth operation since a vacuum can be prevented from being formed in the toner container which would hinder (or prevent) a smooth discharge. Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

make the toner container in a box-like shape because this is well known in the art and would facilitate storage of the toner containers on top of one another during shipping.

4. Claim 186 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayao in view of Oishi (JP# 08-292636).

Hayao teach a toner container 12 containing liquid toner (ink) having an outlet 20 through which the toner will be discharged from the toner container. The toner container has a seal 22 for closing and sealing the outlet. The toner container has a bottom and side walls. The toner container has a fitting portion 18 for mating with a nozzle 34,38 (see Fig. 2). The toner container is made of a flexible material (col. 2, lines 56-58) Specifically, JP '651 teach everything claimed except an air filter window in one of the walls of the toner.

Oishi teach a toner container 1 having a toner outlet and which is upside down to allow toner to be discharged to a developing device. Upon removing a seal 7,8 from the toner outlet the toner will fall due to gravity to a developing device. A air filter window 9,19 is uncovered allowing air to flow into the toner cartridge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the toner container in Hayao to have an air window because the toner can be discharged in a smooth operation since a vacuum can be prevented

from being formed in the toner container which would hinder (or prevent) a smooth discharge.

5. Claims 187-188 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 171-173,185 would be allowable if the objection to the claims are overcome.

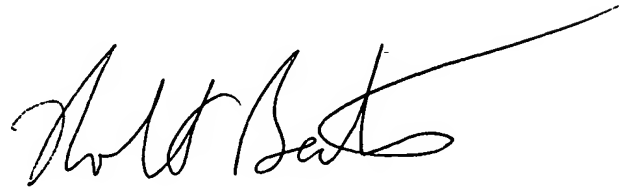
7. Claims 166-170,174,180-184,189-191 are allowable over the prior art of record.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray, can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Robert Beatty", with a long horizontal stroke extending to the right.

Robert Beatty
Primary Examiner
Art Unit 2852

August 27, 2006